

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 N. 5th St.

KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF

Epsen Hillmer Graphics
2000 California Street
Omaha, Nebraska 68102

Respondent.

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Docket No. CAA-07-2003-0054

COMPLAINT AND NOTICE OF
OPPORTUNITY OF HEARING

COMPLAINT

Section I

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (hereinafter "the Act"), 42 U.S.C. § 7413(d).
2. This Complaint serves as notice that the United States Environmental Protection Agency (hereinafter "EPA") has reason to believe that Respondent has violated certain "Stratospheric Ozone Protection" requirements at Subpart F and therefore is in violation of Subchapter VI, Section 608 of the Act, 42 U.S.C. § 7671g. Furthermore, this Complaint serves as notice pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), of EPA's intent to issue an order assessing penalties for such violation.

Section II

Parties

3. The Complainant, by delegation from the Administrator of the EPA, and the Regional Administrator, EPA Region VII, is the Director of the Air, RCRA, and Toxics Division, EPA, Region VII.
4. The Respondent is Epsen Hillmer Graphics, which is, and at all times referred to herein was, a Delaware corporation registered to do business in Nebraska.

Section III

Statutory Framework

Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(2),(3),(6) and (9) provide in applicable part that:

- (2) The owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period in accordance with paragraph (i)(9) of this section ...
- (3) ...When repairs have been conducted without an industrial process shutdown or system mothballing, an initial verification test shall be conducted at the conclusion of the repair efforts and a follow-up verification test shall be conducted within 30 days after the initial follow-up verification test.
- (ii) If the follow-up verification test indicates that the repairs to industrial process refrigeration equipment have not been successfully completed, the owner must retrofit or place the equipment in accordance with paragraph (i)(6) of this section within one year after the failure to verify that the repairs had been successfully completed...
- (iii) The owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify EPA within 30 days of the failed follow-up verification test in accordance with § 82.166(n).
- (6) Owners or operators are not required to repair the leaks defined in paragraphs (i)(1), (i)(2) and (i)(5) of this section if, within 30 days of discovering the exceedance of the applicable leak rate or within 30 days of a failed follow-up verification test in accordance with paragraph (i)(3)(ii) of this section, they develop a one-year retrofit or retirement plan for the leaking appliance.
- (9) Owners or operators must repair leaks pursuant to paragraphs (i)(1), (i)(2) and (i)(5) of this section within 30 days after discovery or within 30 days after when the leaks should have been discovered if the owners intentionally shielded themselves from information which would have revealed a leak, unless granted additional time pursuant to § 82.156(i).

The regulations at 40 C.F.R. §§ 82.166(k) and 82.166(n) provide in applicable part:

- (k) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added.
- (n) The owners or operators of appliances must maintain on-site and report to EPA at the address listed in § 82.160 the following information, where such reporting and record keeping is required and within the timelines specified.

Section IV

General Allegations

6. The Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S. C. § 7602(e).
7. Pursuant to Section 601, 42 U.S.C. § 7671, the term "appliance" means any device which contains and uses a class I or class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller or freezer.

Violation

8. The Complainant hereby states and alleges that Respondent has violated the Clean Air Act and federal regulations, promulgated pursuant to the Act, as follows,

Count I

9. Based on information obtained by EPA Region VII, it was determined that the Respondent owns and operates regulated appliances, including the Titan Control Chiller (chiller), and conducts service, maintenance and repair on said appliances as part of its business.
10. From on or about May 30 through June 29, 2000, maintenance, service or repair was performed on the chiller, including the adding of refrigerant.
11. From on or about May 30 through June 29, 2000, Respondent failed to conduct required leak repairs and failed to bring the leak rate below 35% of the total charge during a 12-month period, within thirty days of discovery of the leak.
12. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(2) and 82.156(i)(9), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count II

13. The allegations of Paragraphs 6, 7, 9 and 10 above are realleged and incorporated herein by reference.
14. From on or about May 30 through June 29, 2000, or anytime thereafter, Respondent failed to conduct the required initial verification test.
15. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count III

16. The allegations of paragraphs 6, 7, 9 and 10 above are realleged and incorporated herein by reference.
17. From on or about May 30 through June 29, 2000, or any time thereafter, Respondent failed to conduct the required follow-up verification test.
18. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count IV

19. The allegations of paragraphs 6, 7 and 9 above are realleged and incorporated herein by reference.
20. From on or about August 2 through September 1, 2000, maintenance, service or repair was performed on the chiller, including the discovery of leaks, and the adding of refrigerant.
21. From on or about August 2 through September 2, 2000, Respondent failed to conduct required leak repairs, and failed to bring the leak rate below 35% of the total charge during a 12-month period, within thirty days of discovery of the leak.
22. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(2) and 82.156(i)(9), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count V

23. The allegations of Paragraphs 6, 7, 9 and 20 above are realleged and incorporated herein by reference.
24. From on or about August 2 through September 1, 2000, or anytime thereafter, Respondent failed to conduct the required initial verification test.
25. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count VI

26. The allegations of Paragraphs 6, 7, 9 and 20 above are realleged and incorporated herein by reference.

27. From on or about August 2 through September 1, 2000, or at anytime thereafter, Respondent failed to perform the required follow-up verification test.

28. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count VII

29. The allegations of Paragraphs 6,7, and 9 above are realleged and incorporated herein by reference.

30. On or about September 14, 2000, maintenance, service or repair was performed on the chiller, including replacement of the chiller bundle, and the adding of refrigerant.

31. From on or about September 14 through October 14, 2000, Respondent failed to bring the leak rate below 35% of the total charge during a 12-month period, within thirty days of discovery of the leak.

32. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(2) and 82.156(i)(9), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count VIII

33. The allegations of Paragraphs 6,7, 9 and 30 above are realleged and incorporated herein by reference.

34. From on or about September 14 through October 14, 2000, or anytime thereafter, Respondent failed to conduct the required follow-up verification test.

35. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count IX

36. The allegations of paragraphs 6, 7, 9 and above are realleged and incorporated herein by reference.

37. On or about November 22, 2000, maintenance, service, or repair was performed on the chiller, including replacement of the chiller bundle, and the adding of refrigerant.

38. From on or about November 22, 2000, to December 22, 2000, Respondent failed to bring the leak rate below 35% of the total charge during a 12-month period within thirty days of discovery of the leak.

39. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(2) and 82.156(i)(9), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count X

40. The allegations of Paragraphs 6, 7, 9, 37 and 38 above are realleged and incorporated herein by reference.

41. From on or about November 22, 2000, or anytime thereafter, Respondent failed to conduct the required initial verification test.

42. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XI

43. The allegations of Paragraphs 6, 7, 9, 37 and 38 above are realleged and incorporated herein by reference.

44. From on or about November 22, 2000, through December 22, 2000, or anytime thereafter, Respondent failed to conduct the required follow-up verification test.

45. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XII

46. The allegations of paragraphs 6, 7, 9, 37 and 38 above are realleged and incorporated herein by reference.

47. On or about August 22, 2001, to September 21, 2001, maintenance, service or repair was performed on the chiller, including the replacement of the compressor unit, and the adding of refrigerant.

48. From on or about August 22, 2001, to September 21, 2001, Respondent failed to bring the leak rate below 35% of the total charge during a 12-month period, withing thirty days of discovery of the leak.

49. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(2) and 82.156(i)(9), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XIII

50. The allegations of Paragraphs 6, 7, 9, 47 and 48 above are realleged and incorporated herein by reference.

51. From on or about August 22, 2001, or anytime thereafter, Respondent failed to conduct the required initial verification test.

52. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XIV

53. The allegations of Paragraphs 6, 7, 9, 47 and 48 above are realleged and incorporated herein by reference.

54. From on or about August 22, 2001, through September 21, 2001, or at any time thereafter, Respondent failed to conduct the required follow-up verification test.

55. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XV

56. The allegations of Paragraphs 6, 7, 9, 10, 11, 20 and 21 above are realleged and incorporated herein by reference.

57. From on or about May 30, 2000, through June 29, 2000, or at any time thereafter, Respondent failed to retrofit or retire the leaking chiller.

58. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.156(i)(3)(ii), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XVI

59. The allegations of paragraphs 6, 7 and 9 above are realleged and incorporated herein by reference.

60. On or about September 14, 2000, maintenance, service or repair was performed on the chiller.

61. On or about September 14, 2000, or at anytime there after, Respondent failed to keep required servicing records documenting the date and type of service, as well as the quantity of refrigerant added.

62. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(k), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XVII

63. The allegations of paragraphs 6, 7 and 9 above are realleged and incorporated herein by reference.

64. On or about November 22, 2000, maintenance, service or repair was performed on the chiller.

65. On or about November 22, 2000, or at anytime there after, Respondent failed to keep required servicing records documenting the date and type of service, as well as the quantity of refrigerant added.

66. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(k), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XVIII

67. The allegations of paragraphs 6, 7 and 9 above are realleged and incorporated herein by reference.

68. On or about August 22, 2001, maintenance, service or repair was performed on the chiller.

69. On or about August 22, 2001, or at anytime there after, Respondent failed to keep required servicing records documenting the date and type of service, as well as the quantity of refrigerant added.

70. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(k), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XIX

71. The allegations of paragraphs 6, 7 and 9 above are realleged and incorporated herein by reference.

72. From on or about May 30, 2000, to May 30, 2001, Respondent failed to develop a one-year retrofit or retirement plan for the chiller.

73. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. §§ 82.156(i)(6) and 82.156(i)(9), and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XX

74. The allegations of Paragraphs 6, 7, 9, 10, 11, 14, 20, 21, 24, 27, 30, 31, 34, 37, 38, 41, 44, 45, 48, and 51 above are realleged and incorporated herein by reference.

75. From on or about May 30, 2000, through June 29, 2000, Respondent failed to maintain on-site and report to EPA the information set forth at 40 C.F.R. § 82.166(n).

76. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(n) and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XXI

77. The allegations of paragraph 74 above are realleged and incorporated herein by reference.

78. From on or about August 2, 2000, to September 1, 2000, Respondent failed to maintain on-site and report to EPA the information set forth at 40 C.F.R. § 82.166(n).

79. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(n) and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XXII

80. The allegations of paragraph 74 above are realleged and incorporated herein by reference.

81. From on or about September 14, 2000, to October 14, 2000, Respondent failed to maintain on-site and report to EPA the information set forth at 40 C.F.R. § 82.166(n).

82. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(n) and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count XXIII

83. The allegations of paragraph 74 above are realleged and incorporated herein by reference.

84. From on or about November 22, 2000, to December 22, 2000, Respondent failed to maintain on-site and report to EPA the information set forth at 40 C.F.R. § 82.166(n).

85. Respondent therefore violated Section 608 of the Act, 42 U.S.C. § 7671g, and the regulations at 40 C.F.R. § 82.166(n) and is rendered liable for civil penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Section V

Relief

86. Section 113(d) of the Act, 42 U.S.C. § 7413(d), authorizes a civil penalty of up to \$27,500 per day for each violation of the Act. The penalty proposed below is based upon the facts stated in this Complaint, and on the nature, circumstances, extent and gravity of the above cited violations in accordance with the Clean Air Act, Section 113(e), 42 U.S.C. 7413(e) and the Stationary source Civil Penalty Policy, October 25, 1991 ("Penalty Policy"), including Appendix X, a copy of which is enclosed with this Complaint. Appendix X is entitled "Penalty Policy for Violations of 40 C.F.R. Part 82, Subpart F: Maintenance, Service, Repair and Disposal of Appliances Containing Refrigerants".

Proposed Penalty

87. For the violations stated herein, it is proposed that a penalty of \$ 285,820 be assessed. The actual proposed penalty was determined by calculation in accordance with the enclosed Penalty Policy, by combining the facts in the policy, including the size of Respondent's business, the economic benefit of noncompliance and any willfulness of the Respondent. Below are short statements of the reasoning behind the various penalty factors and adjustments used in the calculation of the proposed penalty.

The economic benefit component is \$21,910 based on the economic benefit cost to retrofit or retire the leaking unit, the cost to keep required records, and the cost of performing and documenting initial and follow-up verification tests.

The gravity component for Count I is \$16,500, See Appendix X

The gravity component for Count II is \$16,500, See Appendix X

The gravity component for Count III is \$16,500, See Appendix X

The gravity component for Count IV is \$3,300, See Appendix X

The gravity component for Count V is \$3,300, See Appendix X

The gravity component for Count VI is \$3,300, See Appendix X

The gravity component for Count VII is \$3,300, See Appendix X

The gravity component for Count VIII is \$3,300, See Appendix X

The gravity component for Count IX is \$3,300, See Appendix X

The gravity component for Count X is \$3,300, See Appendix X

The gravity component for Count XI is \$3,300, See Appendix X

The gravity component for Count XII is \$3,300, See Appendix X

The gravity component for Count XIII is \$3,300, See Appendix X

The gravity component for Count XIV is \$3,300, See Appendix X

The gravity component for Count XV is \$16,500, See Appendix X

The gravity component for Count XVI is \$ 825, See Appendix X

The gravity component for Count XVII is \$ 110, See Appendix X

The gravity component for Count XVIII is \$ 110, See Appendix X

The gravity component for Count XIX is \$16,500, See Appendix X

The gravity component for Count XX is \$ 825, See Appendix X

The gravity component for Count XXI is \$ 110, See Appendix X

The gravity component for Count XXII is \$ 110, See Appendix X

The gravity component for Count XXIII is \$ 110, See Appendix X

The size of violator component calculated under the Penalty Policy for this proposed penalty assessment is \$ 142,910. See Appendix X.

The total proposed penalty is derived by combining the total gravity component of \$ 121,000 with the economic benefit of \$ 21,910 and the size of violator component \$ 142,910 for a total penalty of \$ 285,820.

88. Respondent has the right, upon submittal of certified financial information, to consideration of Respondent's financial condition in mitigation of the proposed penalty insofar as is necessary to permit Respondent to continue in business.

89. The complaint was drafted based upon the best information available to Complainant, including financial information, and in consideration of, and in accordance with, the statutory requirements of Section 113(e) of the Act, 42 U.S.C. § 7413(e), and the enclosed Penalty Policy.

90. The proposed penalty set forth in paragraph 60 constitutes a demand *only if* the Respondent fails to raise bona fide issues of ability to pay, or other *bona fide* affirmative defenses relevant to the determination of any final penalty.

91. Said issues of ability to pay other affirmative defenses relevant to a final penalty, may and should be brought to the attention of the Complainant at the earliest opportunity in this proceeding.

92. Payment of the total penalty may be made by certified or cashier's check payable to the Treasurer, United States of America, and remitted to:

Mellon Bank
EPA - Region VII
Regional Hearing Clerk
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Section VI

Answer and Request for Hearing

93. Pursuant to Section 113(d)(2) of the Act, Respondent has the right to request a hearing to contest any material fact contained in this Complaint. To preserve this right, Respondent must file a written answer and request for hearing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101, within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing. Said answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Complaint with regard to which Respondent has any knowledge, or shall clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The answer shall also state:

- a. The circumstances or arguments that are alleged to constitute the grounds of defense;
- b. The facts that Respondent intends to place at issue; and
- c. Whether a hearing is requested.

Failure to deny any of the factual allegations in the Complaint constitutes an admission of the undenied allegations.

94. If Respondent requests a hearing, it shall be held and conducted in accordance with Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Orders, and the Revocation, Termination or Suspension of Permits (40 C.F.R. Part 22). (Copy enclosed.)

95. If Respondent fails to file a written answer and request for a hearing within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing, such failure will constitute a binding admission of all of the allegations in this Complaint, and a waiver of Respondent's right to a hearing under the Act. A Default Order may thereafter be issued by the Regional Administrator, and the civil penalties proposed therein shall become due and payable without further proceedings.

96. — Respondent is advised that, after the Complaint is issued, the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the EPA Regional Administrator, Chief Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of this case.

Section VII

Settlement Conference

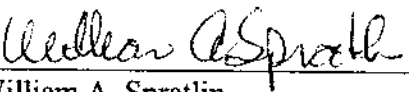
97. Whether or not a Respondent requests a hearing, a Respondent may request an informal settlement conference to discuss the facts of this case and settlement. To request an informal settlement conference, contact Henry F. Rompage, Attorney, Office of Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101, telephone 913/551-7280.


98. A request for an informal settlement conference does not extend the time to answer. Whether or not the informal settlement conference is pursued, to preserve the right to hearing a written answer and request for a hearing must be filed within thirty (30) days of service of this Complaint.

99. The EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement. However, no penalty reduction will be made simply because an informal settlement conference is held. If settlement is reached, the parties will enter into a

written Consent Agreement and a Final Order will be issued by the Regional Administrator, United States Environmental Protection Agency, Region VII. The issuance of such a Consent Agreement and Final Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

Date 1/8/03


William A. Spratlin
Director
Air, RCRA, and Toxics Division


HENRY F. ROMPAGE
Attorney
Office of Regional Counsel

Enclosures: Consolidated Rules of Practice
Clean Air Act Penalty Policy
Penalty Policy Calculation
Appendix X. Penalty Policy for Violations of 40 C.F.R. Part 82, Subpart F:
Maintenance, Service, Repair and Disposal of Appliances Containing
Refrigerants.
Small Business Information Sheet
Notice of Securities and Exchange Commission Registrants' Duty to Disclose
Environmental Legal Proceedings.

CERTIFICATE OF SERVICE

I certify that the original and one true and correct copy of the foregoing Complaint were hand-delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101; and a true and correct copy of the foregoing Complaint, Consolidated Rules of Practice, the Clean Air Act Penalty Policy, Appendix X, Penalty Policy for Violations of 40 C.F.R. Part 82, Subpart F: Maintenance, Service, Repair and Disposal of Appliances Containing Refrigerants, a Small Business Information Sheet and SEC information were mailed by certified mail, return receipt requested on this 14th day of January, 2003 to:

McGrath North Mullin & Kratz, P.C.
3700 First National Tower
1601 Dodge Street
Omaha, NE 68102


Legal Technician